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NO. 3810 P. 4

JUN 20 2006

In re application of: Robert Keane, et al
Application No.: 10/608,378
Filed: June 27, 2003

Examiner: Gabriel I Garcia
Art Unit: 2624

Confirmation No. 7979
Customer No.: 37420

Docket No.: MPI-D4

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is provided in support of the Notice of Appeal filed April 13, 2006. Authorization is hereby granted to charge the required small entity fee for filing this Appeal Brief to Deposit Account 502765.

I. Real Party in Interest

The real party in interest is VistaPrint Technologies Limited, a wholly owned subsidiary of VistaPrint Limited.

II. Related Appeals and Interferences

There are no related appeals or interferences.

III. Status of Claims

Pending claims 1-10 have been finally rejected and are the subject of this appeal.

No other claims are pending.

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IV. Status of Amendments

No amendments have been filed subsequent to the final rejection.

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V. Summary of the Claimed Subject Matter

All pending claims relate to computer-implemented methods for creating an aggregate print job. Representative examples of aggregate print jobs are shown in Figs. 2 and 2A. (These figures, as originally filed, were labeled as Figs. 2A and 2B. A replacement drawing sheet changing the reference numbers to Figs. 2 and 2A has been submitted. These figures will be referred to herein by their amended designations as Figs. 2 and 2A.)

As mentioned at page 1, lines 4-5, illustrative examples of an individual print job could be, for example, a print job for printing a business card, letterhead, a sell sheet, an invitation, an announcement, a folder, or a brochure. As discussed on page 12, lines 14-29, individual print jobs from different customers are aggregated to produce an aggregate print job for printing. Fig. 2 shows an example of an aggregate print job containing many individual business card print jobs arranged in a 7 by 18 configuration. Element 50 illustrates one of the business card print jobs. As discussed at page 12, lines 21-24, this aggregate print job allows simultaneous printing of many different business cards on relatively large printing sheets, for example sheets having dimensions of 1.0 meter by 0.6 meter. As noted in the application at page 8, lines 19-22, the combining of multiple individual print jobs into a larger aggregate print job provides the advantage that "short run print jobs can be printed using high-quality, large-volume printing equipment, while reducing printing cost significantly, improving print job quality as compared to alternate short run printing processes, and improving capacity utilization of the print equipment." For example, as discussed at page 27, lines 16-23 and page 28, lines 5-13, printing the aggregate print job shown in Fig. 2 on 250 sheets, stacking the printed sheets, and cutting the sheets, for example with a guillotine cutter, would create 126 (7 rows times 18 columns) individual sets of 250 business cards each that can then be individually packaged and mailed to the various individual business card customers.

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As discussed at page 25, lines 20-22, Fig. 2A depicts an example of an aggregate print job allowing simultaneous printing of multiple different types of products having different physical dimensions. In the Fig. 2A example, the aggregate print job includes 19 business card locations 50, 13 postcard locations 53, and three invitation locations 55. Figs. 2 and 2A are merely representative and many other sizes and combinations of individual print jobs could be employed.

Independent claim 1

Claim 1 recites receiving individual print jobs that have an associated printing parameter identifying the size of the printed product to be created, defining an aggregate print job having pre-defined locations for individual print jobs, and assigning individual print jobs to locations of the appropriate size in the aggregate print job.

Independent Claim 6

Claim 6 recites a method for creating an aggregate print job comprising defining an aggregate print job that does not have pre-determined individual print job locations. Individual print jobs are repetitively selected and placed in the aggregate print job in the aggregate print job until the available space in the aggregate print job is filled.

VI. Grounds of Rejection to be Reviewed on Appeal

1. Whether Claims 1-4 Are Unpatentable Under 35 U.S.C. 102(e) as Being Anticipated by Katayama (U.S. 6,424,752).
2. Whether Claims 6-9 Are Unpatentable Under 35 U.S.C. 102(e) as Being Anticipated by Katayama.
3. Whether Claims 5 and 10 are Unpatentable Under 35 U.S.C. 103(a) over Katayama.

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VII. Argument

1. Claims 1-4 Are Not Anticipated by Katayama.

Independent Claim 1

Katayama at col. 1, line 6-9 states that "The present invention relates to an image synthesis apparatus and an image synthesis method for synthesizing a plurality of images, obtained by an electronic camera, that have at least some overlapping segments. (emphasis added) In other words, Katayama teaches a method for taking a plurality of photographs, each of which has some content elements in common with one or more other photographs, and synthesizing them to create a larger "panoramic" image containing more image content than was captured in any single photograph.

A simple example of image synthesis is depicted in Katayama Figs. 1 and 2 and discussed at col. 1, lines 11-27. Photograph 301 was taken such that the image captured a square shape and a pentagon shape. When photograph 302 was taken, the camera was positioned slightly to the right of the position at which photograph 301 was taken such that photograph 302 captured the same pentagon as shown in photograph 301, but also captured a triangle, an oval and a portion of a rectangle. Similarly, photograph 303, taken from yet another slightly different position, contains the oval and the entire rectangle that is only partially visible in photograph 302. By properly positioning these images such that the common content elements are overlapping, a larger "synthesized" image containing the square, the pentagon, the triangle, the oval and the rectangle can be created. For example, Fig. 2 shows a synthesized image 401 that is created by overlapping images 301 and 302. Various other figures in Katayama also conceptually illustrate techniques for the creation of synthesized images, for example Figs. 3, 9A and B, 14, 18, and 26. Fig. 38, for example, shows synthesized image 2201 created from the four separate images 1404a-1404d shown in Fig. 30. In the Katayama synthesis process, the Katayama component images lose they original nature as individual images as they are blended and fused into a single larger image.

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In applying Katayama to the claims, the Examiner equated a Katayama component image with an individual print job, equated a Katayama synthesized image with an aggregate print job, and equated the Katayama method for creating a synthesized image with Applicants' claimed method for creating an aggregate print job. As discussed below, it is respectfully submitted that Katayama and the pending application in fact teach different methods for creating different things used for different purposes.

The techniques disclosed in Katayama for identifying content elements that appear in multiple images and positioning those images such that common content elements overlap to create a panoramic synthesized photographic image are unrelated to and in no way disclose the Applicants' claimed method. Applicants aggregate multiple different individual print jobs solely to facilitate efficient simultaneous printing. No individual print job overlaps another individual print job. Rather, as illustrated in Figs. 2 and 2A, the individual print jobs are positioned adjacent to each other such that, after printing, the printed sheet can be cut along the borders between the individual print jobs to separate the individual jobs for packaging and shipping to the appropriate individual print job customers.

In the Conclusion section (page 5) of the Final Action mailed January 13, 2006, the Examiner stated, "Figure 11, clearly depicts an aggregated job, which consists of individual print jobs." Applicants respectfully disagree. Fig. 11, as discussed in Katayama at col. 6, lines 48-55, depicts an example of individual images displayed for user review in an "arrangement window" displayed on display unit 104 (Fig. 8). This display window allows the user to monitor the progress of the synthesizing process. Fig. 11 represents a set of related component images prior to synthesis. Fig. 12 indicates how the individual images will be synthesized. (Another example of the operation and use of this type of displayed arrangement window is illustrated in Figs. 30-38 and discussed at col. 16, line 59 to col. 19, line 16.) These arrangement windows are not aggregate print jobs and neither the individual

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images 1-8 in Fig. 11, nor any other component images shown in Katayama, are individual print jobs with associated printing parameters as recited in claim 1.

Katayama does not disclose receiving individual print jobs having associated printing parameters identifying the size of a printed product to be created from that individual print job, does not disclose defining a two-dimensional aggregate print job having a plurality of pre-defined individual print job locations having pre-determined sizes, and does not disclose assigning individual print jobs to print job locations based on the size of the product to be printed and the size of the print job location in the aggregate print job.

The Examiner also stated in the Conclusion section of the Final Action "the (Katayama) abstract clearly describes how a multiple of jobs can be created to form a synthesized image." As discussed above, a synthesized image, as that term is clearly and consistently used by Katayama, is an image created by overlapping a plurality of individual photographic images having content elements in common to create a larger panoramic composite image. The individual component images to be synthesized in Katayama are not "individual print jobs", the "synthesized image" created in Katayama is not an "aggregate print job", and the method taught by Katayama is not the method claimed by Applicants.

Dependent Claim 2

Claim 2 recites that "each product size is one of at least two different standard product sizes and wherein the aggregate print job has individual print job locations of at least two different sizes". As support for the position that Katayama teaches this feature, on page 3 of the Final Action the Examiner referred to "(e.g., figs. 4 and/or 11)" without further comment. Applicants' respectfully disagree that this feature is taught by Katayama.

In every example of image synthesis shown in Katayama, including not only Figs. 4 and 11, but also Figs. 18, 21, 25, 30 and others, all component images to be synthesized into a larger image are shown as being the same size. In other words,

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in Fig. 4, Images A, B and C are shown as all being the same size. Similarly, in Fig. 11, Images 1-8 are all shown as identical in size. Katayama does not teach a method for creating a synthesized image from component images of at least two different sizes.

Dependent Claim 4

The Examiner cited Katayama Figs. 25 and 26 as teaching the printing of the synthesized image. Applicants respectfully disagree.

Figs. 25 and 26 are discussed at col. 13, line 22 to col. 14, line 20. No mention of printing the synthesized image is made in connection with these figures. In fact, Katayama is completely silent on the subject of printing. The words "print", "printing", or "printer" do not appear even once anywhere in Katayama. There is also no appearance in Katayama of the word "paper".

2. Claims 6-9 Are Not Anticipated by Katayama.

As stated in Applicants' specification at page 25, line 27 to page 26, line 7, aggregation of individual print jobs can also be done " 'on the fly', in any arrangement that will fit within the bounds of the paper sheet to be printed." Independent claim 6 recites an "on the fly" method for creating an aggregate print job that includes the step of "defining a two-dimensional aggregate print job having no pre-determined individual print job locations". In the Final Action, claims 6-9 were dealt with summarily at the bottom of page 3 with the statement "the limitations of claims 6-9 are covered by the limitations of claims 1-4 above." Applicants respectfully argue that the method of claim 6, which includes the step of defining of an aggregate print job having no pre-determined individual print job locations, is a different method from the method of claim 1, which includes the step of defining an aggregate print job having pre-defined individual print job locations, and, therefore, claims 6-9 recite different methods for defining and filling an aggregate print job not covered by the limitations of independent claims 1-4.

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For reasons similar to those stated above, claims 6-9 are also not taught by Katayama. Katayama does not teach "receiving individual print jobs having an associated printing parameter identifying the size of the product to be created from that individual print job, at least some of the product sizes being different", does not teach "defining a two-dimensional aggregate print job" and does not teach repetitively selecting and placing individual print jobs in the aggregate print job until the filling process is completed.

3. Claims 5 and 10 Are Not Unpatentable Under 35 U.S.C. 103(a) over Katayama.

Claims 4 and 9 recite "printing the aggregate print job on paper, the paper being of a sufficiently large size to accommodate the simultaneous printing of all individual print jobs in the aggregate print job". Dependent claims 5 and 10 recite the additional step of "cutting the paper, packaging and shipping the individual print jobs." On page 4 of the Final Action, the Examiner states "it would have been obvious to one of ordinary skill in the art to provide the system of Katayama with the means of handling the delivery of a print job". Applicants' respectfully disagree.

Whereas Applicants' aggregate print job is created for the purpose of efficient simultaneous printing of multiple independent print jobs that will subsequently be cut, packaged, and shipped individually, the purpose of Katayama is the creation of the synthesized panoramic image. In other words, the Katayama integrated panoramic synthesized image is the end product of the Katayama process. In the Katayama synthesis process, the overlapped component images lose they original nature as separate individual images and there is no longer any notion of separate or separable component images. Because the synthesized image is made up of overlapping component images that have been merged into a single panoramic image, printing of the synthesized image on paper and then cutting the paper to separate it into the original component images is clearly not contemplated by

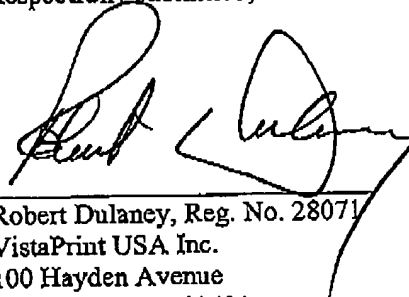
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Katayama, nor would such an operation be possible. There is no teaching or suggestion in Katayama of the step recited in claims 5 and 10.

Conclusion

For the reasons set for the above, Applicants respectfully submit that each claim is patentable and reversal of all rejections is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert Dulancy', is written over a horizontal line.

Date: June 20, 2006

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VIII. Claims Appendix

1. A computer-implemented method for creating an aggregate print job intended to be printed and cut to create a plurality of individual printed products, the method comprising
receiving individual print jobs, each individual print job having an associated printing parameter identifying the size of printed product to be created from that individual print job,
defining a two-dimensional aggregate print job, the aggregate print job having a plurality of pre-defined individual print job locations arranged in each of its two dimensions, each print job location having a pre-determined size, and
assigning at least some of the received individual print jobs to individual print job locations in the aggregate print job such that the size of the product to be printed from the individual print job corresponds to the size of the assigned location in the aggregate print job.
2. The method of claim 1 wherein each product size is one of at least two different standard product sizes and wherein the aggregate print job has individual print job locations of at least two different sizes, each location size in the aggregate print job being one of the at least two standard sizes.
3. The method of claim 2 wherein a portion of the received individual print jobs are of a first standard size and another portion of the received individual print jobs are of a second standard size and wherein individual print jobs of the first size are assigned to aggregate print job locations of the first size and individual print jobs of the second size are assigned to aggregate print job locations of the second size.
4. The method of claim 1 further comprising printing the aggregate print job on paper, the paper being of a sufficiently large size to accommodate the simultaneous printing of all individual print jobs in the aggregate print job.

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5. The method of claim 4 further comprising cutting the paper, packaging and shipping the individual print jobs.

6. A computer-implemented method for creating an aggregate print job intended to be printed and cut to create a plurality of individual printed products, the method comprising:

- a) receiving individual print jobs, each individual print job having an associated printing parameter identifying the size of the product to be created from that individual print job, at least some of the product sizes being different,
- b) defining a two-dimensional aggregate print job having no pre-determined individual print job locations, the aggregate print job being of a sufficient size to accommodate a plurality of individual print jobs in each of its two dimensions,
- c) selecting a first individual print job for placement in the aggregate print job,
- d) placing the individual print job at a location in the aggregate print job,
- e) selecting another individual print job for placement in the aggregate print job,
- f) placing the another individual print job in the aggregate print job in an available location not occupied by any other individual print job, and
- g) repeating steps e) and f) until the aggregate print job filling process is completed.

7. The method of claim 6 wherein the aggregate print job filling process is completed when the aggregate print job no longer has sufficient available space to accommodate additional individual print jobs.

8. The method of claim of 6 wherein the aggregate print job filling process is completed when all qualifying individual print jobs have been placed in the aggregate print job.

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9. The method of claim 6 further comprising printing the aggregate print job on paper, the paper being of a sufficiently large size to accommodate the simultaneous printing of all individual print jobs in the aggregate print job.
10. The method of claim 9 further comprising cutting the paper, packaging and shipping the individual print jobs.

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IX. Evidence Appendix

None

X. Related Proceedings Appendix

None